

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HP TUNERS, LLC, a Nevada limited
liability company,

Plaintiff,

v.

KEVIN SYKES-BONNETT, SYKED ECU
TUNING INCORPORATED, a Washington
corporation, and JOHN MARTINSON

Defendants.

Cause No. 3:17-cv-05760 BHS

**DEFENDANTS' SUPPLEMENTAL
RESPONSE REGARDING
MOTION TO SEAL**

**Noted for Consideration:
September 20, 2019**

In compliance with this Court's Order of September 13, 2019 requesting further support for Defendants' Motion to Seal dated September 6, 2019 (Docket No. 195), Defendants Kevin Sykes-Bonnett and Syked ECU Tuning Incorporated, by and through their counsel, state as follows:

1. With respect to Exhibit B to the Declaration of Philip P. Mann (Dkt. 196), which Exhibit has been filed under seal, this document, on its face, states that it is "the confidential and proprietary property" of a third party that is not a party to this litigation. It is solely on this basis that Defendants have requested that this document be filed under seal and that its confidentiality be maintained.

2. With respect to Exhibits C & D to the Declaration of Philip P. Mann (Dkt. 196), which Exhibits have been filed under seal, these documents are, respectively, the transcripts of the morning and afternoon depositions of Plaintiff's CEO, Mr. Kieth Prociuk, taken April 24, 2019. The sole basis for Defendants' request that these Exhibits be filed

1 under seal is simply that *Plaintiff* has designated these transcripts, in their entirety, as
2 “confidential” pursuant to the Protective Order in place in this action. Accordingly,
3 Defendants will defer to Plaintiff to establish, if it can, that these transcripts are, in fact,
4 confidential and should, in fact, be filed under seal. If Plaintiff is unable to establish the
5 confidential nature of these transcripts in their entirety, Defendants have no objection to them
6 being made public.

7 Dated September 18, 2019.

Respectfully submitted,

8 /s/ Philip P. Mann

9 Philip P. Mann, WSBA No: 28860

10 **Mann Law Group PLLC**

11 107 Spring St.

12 Seattle, Washington 98104

13 Phone (206) 436-0900

14 Fax (866) 341-5140

15 phil@mannlawgroup.com

16 Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify on the date indicated below, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties who have appeared in this matter.

DATED: September 18, 2019

/s/ Philip P. Mann